

United States Senate

WASHINGTON, DC 20510

September 17, 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Nadler:

I write to urge the House Judiciary Committee to take appropriate action to investigate recent reports about Associate Supreme Court Justice Brett Kavanaugh, and to hold Mr. Kavanaugh accountable for his prior conduct and testimony before the Senate Judiciary Committee.

During Mr. Kavanaugh's confirmation process, multiple women came forward with serious, corroborated allegations of sexual misconduct. One of those women, Dr. Christine Blasey Ford, testified before the Senate Judiciary Committee on September 29. In response to her allegations—and at the demand of three Senators who conditioned their votes on a supplemental review—the President opened an extremely limited, supplemental background investigation of Mr. Kavanaugh. At the direction of the White House, the FBI interviewed only nine people in connection with that investigation.

Throughout the confirmation process, several Democratic members of the Senate Judiciary Committee repeatedly called for a fulsome investigation into all of the relevant allegations against Mr. Kavanaugh. For instance, on September 27, 2018, I asked Mr. Kavanaugh whether he would be willing to ask the White House to authorize the FBI to investigate the claims that had been made against him.¹ On October 5, 2018, I also spoke on the floor of the U.S. Senate, decrying the inadequacy of the FBI's investigation:

This should have been a search for the truth. [The FBI] should have been allowed to do their full job, but instead, the White House did not allow it. This was not a search for the truth. Instead, this was about politics and raw power to push through an unfit nominee Clearly, when the White House directed the FBI to do its work, it appears from everything I have seen, the FBI was not permitted to look at all of the allegations. That is clear to me Media outlets have reported that there are more than 40 people with potential relevant information who are willing to share their information but only nine people were interviewed.²

¹ Transcript, Supreme Court Nominee Brett Kavanaugh Sexual Assault Hearing, Kavanaugh Testimony, Sept. 27, 2018, available at <https://www.c-span.org/video/?451895-2/supreme-court-nominee-brett-kavanaugh-sexual-assault-hearing-judge-kavanaugh-testimony&playEvent>.

² *Harris on Kavanaugh Nomination: This Has Not Been a Search for the Truth*, U.S. Senator Kamala D. Harris, Oct. 5, 2018, <https://www.harris.senate.gov/news/press-releases/harris-on-kavanaugh-nomination-this-has-not-been-a-search-for-the-truth>.

On Saturday, there were additional details reported about the allegations of Deborah Ramirez, one of the women who had previously accused Brett Kavanaugh of sexual assault. Notably, it was reported that two FBI agents interviewed Ms. Ramirez about the event and found her account credible, but lacked authorization to review her account any further.³ Ms. Ramirez's legal team gave the FBI a list of at least 25 individuals who may have had corroborating evidence, but the FBI reportedly interviewed none of them, even though many of those potential witnesses reportedly tried to reach the FBI on their own.⁴ It was also reported that one of Ms. Ramirez's former classmates alleged that he saw Mr. Kavanaugh with his pants down at a dorm party, where friends pushed his penis into Ms. Ramirez's hand.⁵ At least seven people had reportedly heard about the incident before Mr. Kavanaugh became a federal judge, two of whom learned of it within days of the party at which it was alleged to have occurred.⁶

In light of these reports, I urge the House Judiciary Committee to pursue the following questions and investigative leads:

1. Any information relating to how and why the FBI's investigation was limited in scope.
2. Any information about the interviews conducted by the FBI during the supplemental background investigation.
3. Any information relating to Brett Kavanaugh's honesty during his Senate confirmation process.
4. Any additional information that may be provided by potential witnesses to the sexual assault allegations, including but not limited to:
 - a. James Roche, Mr. Kavanaugh's former Yale roommate, who claimed Kavanaugh was "belligerent and aggressive when he was very drunk."
 - b. The list of at least 25 individuals who may have had corroborating evidence of Ms. Ramirez's allegation.
 - c. Additional classmates of Mr. Kavanaugh's from high school and college who have tried to reach out to the FBI.

I understand that the House Judiciary Committee has limited resources and many other responsibilities. However, in the past, congressional committees have dedicated resources and established structures to pursue serious cases of misconduct—including by creating a task force and retaining outside counsel to help lead impeachment inquiries.⁷ The House Judiciary

³ Robin Pogrebin and Kate Kelly, *Brett Kavanaugh Fit in with the Privileged Kids. She Did Not.*, N.Y. Times, Sept. 14, 2019, <https://www.nytimes.com/2019/09/14/sunday-review/brett-kavanaugh-deborah-ramirez-yale.html>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *House Judiciary Committee Announces Retention of Alan Baron to Lead Inquiry into Possible Impeachment of Judge Porteous*, U.S. House of Representatives, Committee on the Judiciary, Oct. 15, 2008, <https://web.archive.org/web/20090625193327/http://judiciary.house.gov/news/081015.html>.

Committee should pursue whatever form of investigation best suits its work and competing demands—but Mr. Kavanaugh’s appointment to a lifetime seat on our highest court warrants a similarly rigorous approach.

On October 5, 2018, you acknowledged that Senate Republicans and the FBI had overseen a “whitewash” investigation of the allegations against Mr. Kavanaugh, and that the legitimacy of the U.S. Supreme Court was at stake.⁸ I agree. We must protect the integrity of our justice system, and it is imperative that we pursue a legitimate search for truth for the benefit of the American people.

Sincerely,



KAMALA D. HARRIS
United States Senator

⁸ Nicholas Fandos and Sheryl Gay Stolberg, *House Democrat Promises Kavanaugh Investigation if Party Wins Control*, N.Y. Times, Oct. 5, 2018, <https://www.nytimes.com/2018/10/05/us/politics/kavanaugh-house-investigation.html>.